IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 9078 of 1995

Between:

S.V.Suryanarayana, S/o Appanna,
R/o D.No.2-52-15, EWS 54, APHB Colony, Kakinada-3.

..... PETITIONER

AND

1 The Municipal Commissioner,Kakinada,
Municipality, Kakinada.
2 The Municipal Engineer,
Kakinada Municipality, kakinada.
3 The Secretary to the Govt., Municipal Admn. &

Urban Development Dept.
Secretariat Bldgs, Hyderanad.
4 Commissioner/Director of Municipal Admn.,
Govt. of A.P., Hyderabad.

(RR 3 & 4 are impleaded as per Court Order in W.P.M.P.No.38700/98, dated 04-12-2002).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of writ of mandamus declaring the action of the respondents herein is illegal, arbitrary, and unconstitutional and further direct the respondents not to lay the road in the petitioners site in T.S.NO.136/5B AND 136/6B OF BLOCK 11,Ward No.2 of Sambamurthy nagar, Kakinada except after complying due process of law.

Counsel for the Petitioner: MR.T.BHEEMSEN

Counsel for the Respondents 1 & 2: MR.K.SHIVA KUMAR REDDY. Counsel for

the Respondents 3 & 4 : G.P for MUNICIPAL ADMINISTRATION.

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing counsel for Municipalities.

2. The sole grievance of the petitioner is that the respondents herein are contemplating to lay a road through the land belonging to the petitioner without taking recourse to law.

3. It appears that there were some deliberations between the petitioner and the respondents, and as a result of such deliberations, the municipality came forward with a proposal to allot alternative land to the petitioner, in lieu of acquisition of land belonging to the petitioner. It appears that the said proposal was accepted by the petitioner and accordingly the proposal was sent to the Government.

4. It is represented by the learned counsel for the petitioner that the Government have also accepted the said proposal sent by the municipality and issued G.O.Rt.No.1060, dated 30-12-1997 to that effect and subsequent G.O.Rt.No.520,

dated 03-08-1998.

5. From the above facts and circumstances, it is clear that there cannot be any difficulty either for the municipality or the petitioner, in acquiring the land and being compensated by allotment of some other piece of land, respectively. Therefore, suffice it to close the writ petition with a direction to the respondents to proceed further in accordance with the G.O.Rt.No.1060, dated 30-12-1997 and G.O.Rt.No.520, dated 03-08-1998 respectively, issued by the Government and finalise the proceedings as expeditiously as possible preferably on or before 31-12-2004.

6. The Writ Petition is closed accordingly. No costs.

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30-07-2004

vs

To

1 The Municipal Commissioner,Kakinada,
Municipality, Kakinada, East Godavari District..
2 The Municipal Engineer,
Kakinada Municipality, kakinada, East Godavari District.
3 The Secretary to the Govt., Municipal Admn. &

Urban Development Dept.
Secretariat Bldgs, Hyderabad.
4 Commissioner/Director of Municipal Admn.,
Govt. of A.P., Hyderabad.

5 Two CD copies.

THE HON'BLE MR JUSTICE D.S.R.VARMA

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Dated: 30-07-2004